



**REGULAR CITY COUNCIL MEETING
FRISCO CITY HALL
GEORGE A. PUREFOY MUNICIPAL CENTER
COUNCIL CHAMBERS
6101 FRISCO SQUARE BLVD.
FRISCO, TEXAS 75034**

5:30 PM

TUESDAY, SEPTEMBER 01, 2009

MINUTES

Mayor	Maher Maso	Present
Mayor Pro Tem	Jeff Cheney	Present
Deputy Mayor Pro Tem	Bob Allen	Present
Council Member	Pat Fallon	Present
Council Member	Scott Johnson	Absent
Council Member	David Prince	Present
Council Member	Bart Crowder	Present

CALL TO ORDER

1. ROLL CALL

Mayor Maso called the meeting to order at 5:30 p.m. and announced that a quorum was present.

Representing staff were: City Manager, George Purefoy; Deputy City Manager, Henry Hill; Assistant City Manager, Nell Lange; Assistant City Manager, Ron Patterson; Director of Development Services, John Lettelleir; Development Services Dev Coordinator, Scott Ingalls; Development Services Sr. Planner, Michael Walker; Director of Engineering Services, Paul Knippel; Director of Library Services, Shelley Holley; Director of Parks & Recreation, Rick Wieland; Director of Communications and Media Relations, Dana Baird; Budget Manager,

Jenny Hundt; Finance Director, Anita Cothran; City Attorney, Rebecca Brewer and City Secretary, Jenny Page.

CLOSED SESSION

2. Recess into Closed Session in compliance with Section 551.001 et. seq. Texas Government Code, to wit:
 - A. Section 551.071. Meeting with City Attorney regarding a matter(s) in which the duty of the City Attorney under the Texas Disciplinary rules of Professional Conduct of the State Bar of Texas conflicts with the Open Meetings Act regarding:
 - i. Receive legal advice regarding and possible settlement of Case No. 09-0069; City of The Colony, Texas vs. North Texas Municipal Water District and City of Frisco, Texas; In the Texas Supreme Court.
 - B. Section 551.072. To deliberate the purchase, exchange, lease or value of real property located:
 - i. South of US 380, North of The Colony city limits, East of FM 423, and West of Hillcrest Road.
 - C. Section 551.087. Deliberation regarding commercial or financial information that the City has received from a business prospect and to deliberate the offer or other incentives to a business prospect.

Bart Crowder moved to adjourn into Closed Session at 5:31 p.m. David Prince seconded the motion.

Passed

Vote: 5 - 0

For: Jeff Cheney, Bart Crowder, Pat Fallon, Bob Allen, David Prince
Against: (None)

3. Reconvene into Regular Session and take any action necessary as a result of the Closed Session.

Bob Allen moved to reconvene into Regular Session at 6:40 p.m. David Prince seconded the motion.

Passed

Vote: 5 - 0

For: Jeff Cheney, Bart Crowder, Pat Fallon, Bob Allen, David Prince
Against: (None)

Mayor Maso announced that the meeting was now in Regular Session and Scott Johnson was not present.

INVOCATION

Tony Cammarota, Associate Pastor of Equipping Ministries from Stonebriar Community Church led the invocation.

PLEDGE OF ALLEGIANCE

Deputy Mayor Pro Tem Bob Allen led the audience in the United States Pledge of Allegiance and the Texas Pledge of Allegiance.

PROCLAMATIONS

There were no proclamations but Mayor Maso presented the winner of the first Frisco Treasure Hunt and presented a video promoting the event. Winner Camille Fredrickson, a three year resident to Frisco, commented that her family learned things about Frisco that they didn't know and really enjoyed the experience. Mayor Maso introduced Dana Baird who coordinated the event and Dana thanked all those who sponsored and participated in the event.

REPORTS

4. Library Report on usage and programming activities

Library Services Director, Shelley Holley presented the Library Report on monthly usage and programming activities. Ms. Holley reported another record month with the one millionth book checked out for this year.

5. Parks & Recreation Monthly Report regarding Park & Trail Development, Facilities, Special Events and Youth Development.

Parks & Recreation Director, Rick Wieland presented a report on Park & Trail Development, Facilities, Special Events, and Youth Development.

6. Engineering Services Monthly Report on Roads, Traffic, Water & Sewer Projects

Engineering Director, Paul Knippel presented Engineering Services Monthly Report on Roads, Traffic, Water and Sewer Projects.

Mayor Maso skipped to the Consent Agenda to return to Citizen Input at 7:30 p.m. as scheduled.

CITIZEN INPUT (to begin approximately at 7:30 p.m.)

Mayor Maso returned to Citizen Input at 7:34 p.m. No one wished to speak and Mayor Maso moved to Item 17.

CONSENT AGENDA

(Items placed on the Consent Agenda are considered routine in nature and are considered non-controversial. The Consent Agenda can be acted upon in one motion. A majority of the Council is required to remove any item for discussion and separate action. Council members may vote nay on any single item without comment and may submit written comments as part of the official record.)

7. Consider and act upon approval of the Minutes from the August 18, 2009 Regular City Council Meeting.
8. Consider and act upon adoption of a Resolution authorizing the City Manager to execute Amendment 1 to the Professional Services Agreement by and between the City of Frisco and Freese and Nichols, Inc., for Construction Contract Administration Services related to Remediation of Existing Eldorado/BNSF Pump Station Deficiencies (Engineering/EDM) 09-09-160R
9. Consider and act upon adoption of a Resolution authorizing the City Manager to execute Amendment 2 to the Professional Services Agreement by and between the City of Frisco and Freese and Nichols, Inc. for Additional Services relating to the Remediation Design of Existing BNSF Pump Station Deficiencies (Engineering/EDM) 09-09-161R
10. Consider and act upon authorization for the City Manager to execute Change Order Number 1 to the Standard Form Agreement for Construction Services by and between the City of Frisco and Tiseo Paving Company, for the construction of Eldorado Parkway (Dallas North Tollway to Preston Road) and Frisco Street (Eldorado Parkway to Newton Drive) (Engineering/JB)
11. Consider and act upon a resolution authorizing the City Manager to execute an agreement by and between the City of Frisco and Estrada Concrete Company LLC., for Hike and Bike Trails along Wade Boulevard from Ohio Parkway to Parkwood Boulevard. (Parks - DR) 09-09-162R
12. Consider and act upon accepting a recommendation from the Parks and Recreation Board to approve a master plan for Preston North Park and adopt the attached resolution (Parks - DR) 09-09-163R
13. Consider and Act Upon Adoption of an Ordinance Amending Personnel Policies (Human Resources/LS) 09-09-50

Bart Crowder moved to approve Consent Agenda. Pat Fallon seconded the motion.
Passed

Vote: 5 - 0

For: Jeff Cheney, Bart Crowder, Pat Fallon, Bob Allen, David Prince
Against: (None)

LEGISLATIVE AGENDA

(These items may legally require Council Action, but by Council Policy should be the City Manager's responsibility. The Legislative Agenda can be acted upon in one motion. The concurrence of two council members is required to remove any item for separate discussion and action. Council members may vote nay on any single item without comment and may submit written comments as part of the official record.)

14. Consider and act upon an Amendment to Ordinance 09-07-35 to establish Reduced Speed School Zones on identified streets within the City of Frisco (Engineering/JF). 09-09-51

Jeff Cheney moved to approve Legislative Agenda. Bart Crowder seconded the motion.

Passed

Vote: 5 - 0

For: Jeff Cheney, Bart Crowder, Pat Fallon, Bob Allen, David Prince

Against: (None)

REGULAR AGENDA

15. Public Hearing: Zoning Case Z09-0004, A request to amend Planned Development-165 regarding development standards and maximum height and consider and act to direct staff to prepare an Ordinance of the same. The property contains 59.3± acres located on the southeast corner of All Stars Avenue and Frisco Street. Zoned Planned Development-165-Commercial-1. Neighborhood #46. (Development Services/MW)

John Lettelleir addressed the Council regarding Zoning Case Z09-0004, a request to amend Planned Development-165 regarding development standards and maximum height.

Jeff Cheney moved to open the Public Hearing. David Prince seconded.

Passed

Vote: 5 - 0

For: Jeff Cheney, Bart Crowder, Pat Fallon, Bob Allen, David Prince

Against: (None)

After opening the Public Hearing, Frank Abbott, representing Kimley-Horn and the applicant, and who resides at 5750 Genesis Court #200, Frisco, spoke in favor and was available for questions.

David Prince moved to close the Public Hearing. Bob Allen seconded.

Passed

Vote: 5 - 0

For: Jeff Cheney, Bart Crowder, Pat Fallon, Bob Allen, David Prince

Against: (None)

Bart Crowder moved to approve Public Hearing: Zoning Case Z09-0004, a request to amend Planned Development-165 regarding development standards and maximum height and consider and act to direct staff to prepare an Ordinance of the same. The property contains 59.3± acres located on the southeast corner of All Stars Avenue and Frisco Street. Zoned Planned Development-165-Commercial-1. Neighborhood #46. Jeff Cheney seconded the motion.

Passed

Vote: 5 - 0

For: Jeff Cheney, Bart Crowder, Pat Fallon, Bob Allen, David Prince

Against: (None)

16. Public Hearing: Specific Use Permit Case SUP09-0006, A request for an Alcoholic Beverage Establishment on one lot on 0.5± acre on the northeast corner of Frisco Square Boulevard and Coleman Boulevard and consider and act to direct staff to prepare an Ordinance of the same. Zoned Planned Development-153-Mixed Use. Neighborhood #21. (Development Services/MW)

John Lettelleir addressed the Council regarding Specific Use Permit Case SUP09-0006, a request for an Alcoholic Beverage Establishment on one lot on 0.5± acre on the northeast corner of Frisco Square Boulevard and Coleman Boulevard. The applicant had previously requested a SUP for a cigar bar at the same location that was denied and now plans to operate a piano type bar, deriving more than 75 % of sales from alcohol and arranging for food to be delivered upon request. The Planning & Zoning Commission unanimously recommended approval.

Bob Allen moved to open the public hearing. Jeff Cheney seconded.

Passed

Vote: 5 - 0

For: Jeff Cheney, Bart Crowder, Pat Fallon, Bob Allen, David Prince

Against: (None)

Citizens that spoke in favor:

B. J. Accuardi, 12412 Littlefield Dr., Frisco
Wendell Washington, 5802 Nobel Oak, Frisco
Bill Wilkerson, 4935 Cape Coral Dr., Dallas
Gerald Perrin, 5312 Promised Land, Frisco

Citizens that spoke in opposition:

Bill Pitteager, 8595 Meadow Hill, Frisco
Jim Newman, 9801 Camfield, Frisco

Bob Allen moved to close the public hearing. Jeff Cheney seconded.

Passed

Vote: 5 - 0

For: Jeff Cheney, Bart Crowder, Pat Fallon, Bob Allen, David Prince

Against: (None)

Mr. Lettelleir requested that a condition proposed by the Planning & Zoning Commission referring to approval of the proposed amendment to the Zoning Ordinance in relation to alcohol be excluded from the motion. The Ordinance has since been approved. Ms. Brewer added for the record that if the business closed, the SUP could be withdrawn by the City.

Bart Crowder moved to approve Public Hearing: Specific Use Permit Case SUP09-0006, A request for an Alcoholic Beverage Establishment on one lot on 0.5± acre on the northeast corner of Frisco Square Boulevard and Coleman Boulevard and consider and act to direct staff to prepare an Ordinance of the same with the exclusion of the condition that the proposed amendment to the Zoning Ordinance be approved. Zoned Planned Development-153-Mixed Use. Neighborhood #21. Jeff Cheney seconded the motion.

Passed

Vote: 3 - 2

For: Jeff Cheney, Bart Crowder, Pat Fallon

Against: Bob Allen, David Prince

Mayor Maso moved to Citizen Input at 7:34 p.m.

17. Public Hearing: Appeal: Sign Variance V09-0006, An appeal of the denial of a Sign Variance request by the Planning & Zoning Commission for a taller Wall Sign. Custer Star Addition, Block 1, Lot 2. Neighborhood #6. (Development Services/SI)

John Lettelleir addressed the Council regarding an appeal of the denial of Sign Variance V09-0006 and reported that the appeal has been withdrawn and the applicant has decided remake the sign to comply with the ordinance. The Planning & Zoning Commission unanimously denied the request and staff's recommendation is for Council to approve the withdrawal of the appeal.

Bob Allen moved to approve Public Hearing: Appeal: Sign Variance V09-0006, An appeal of the denial of a Sign Variance request by the Planning & Zoning Commission for a taller Wall Sign and approve the withdrawal of the appeal from the applicant. Custer Star Addition, Block 1, Lot 2. Neighborhood #6. Pat Fallon seconded the motion.

Passed

Vote: 5 - 0

For: Jeff Cheney, Bart Crowder, Pat Fallon, Bob Allen, David Prince

Against: (None)

18. Public Hearing: Second Hearing on the City of Frisco Fiscal Year 2010 Annual

Budget, including the Frisco Economic Development Corporation Fiscal Year 2010 Budget and the Frisco Community Development Corporation Fiscal Year 2010 Budget (CMO/NL)

Nell Lange addressed the Council regarding City of Frisco Fiscal Year 2010 Annual Budget, including the Frisco Economic Development Corporation Fiscal Year 2010 Budget and the Frisco Community Development Corporation Fiscal Year 2010 Budget.

Jeff Cheney moved to open the Public Hearing. David Prince seconded.

Passed

Vote: 5 - 0

For: Jeff Cheney, Bart Crowder, Pat Fallon, Bob Allen, David Prince

Against: (None)

Citizens that spoke in opposition:

Birkin Olson, 1 Fox Glen Run, Frisco

Jean McIver, 5778 Blazing Star Rd, Frisco

H. A. Gibson, 7570 Angel Trace Dr., Frisco

Patrick Kearns, 1668 Foard Dr., Frisco

Charles Turturici, 1668 Morris Lane, Frisco

David Quicici, 1683 Morris Lane, Frisco

Jeffery Nethercot, 8589 Davis Dr., Frisco

Donnie McIver, 8571 Davis Dr., Frisco

Donald McIver, 5778 Blazing Star Rd., Frisco

Jean Swan, 5321 Promise Land Dr., Frisco

Brent Rynn, 8608 Davis Dr., Frisco

Bob Allen moved to close the public hearing. Pat Fallon seconded.

Passed

Vote: 5 - 0

For: Jeff Cheney, Bart Crowder, Pat Fallon, Bob Allen, David Prince

Against: (None)

19. Consider and Ratify the Effective Tax Rate Calculation for the Fiscal Year 2010 (CMO/NL)

Nell Lange reported to Council that the Effective Tax Rate has already been adopted but after visiting with the Collin County Tax Appraiser, it was discovered that a wrong number had been submitted that would affect the Roll Back Rate. The Effective Tax Rate would remain the same at .4655. The Roll Back Rate would change from .471897 to .472033. She asked Council to ratify the new calculation. Ms. Lange commented that the budget will be discussed again at the September 15, 2009 meeting, but will not be adopted until a special called meeting on September 17, 2009.

David Prince moved to Ratify the Effective Tax Rate Calculation for the Fiscal Year 2010. Bob Allen seconded the motion.

Passed

Vote: 5 - 0

For: Jeff Cheney, Bart Crowder, Pat Fallon, Bob Allen, David Prince

Against: (None)

20. Consider and act upon whether to direct staff to submit a written notice of appeal on behalf of the City Council to Development Services, pursuant to Article IV, Section 1.07(C) of the Comprehensive Zoning Ordinance and/or Section 4.05 of the Subdivision Regulation Ordinance, regarding action taken by the Planning and Zoning Commission on any site plan or plat. Any written notice of appeal must be submitted to Development Services. (Development Services)

No appeals

21. City Council discussion with City Staff concerning any actions required by City Staff as a result of any item on tonight's agenda.

- Mayor Maso requested the Police and Fire Academy titles be corrected in the budget presentation to say Citizen Police and Citizen Fire Academy.
- Bart Crowder requested a simple chart comparing effective tax rates and property values for last year and this year.

22. Discussion on Governance Monitoring of present City Council Meeting.

David Prince gave the Council and A+.

ADJOURN

Bob Allen moved to adjourn at 9:09 p.m. Pat Fallon seconded the motion.

Passed

Vote: 5 - 0

For: Jeff Cheney, Bart Crowder, Pat Fallon, Bob Allen, David Prince

Against: (None)

Maher Maso, Mayor

ATTEST:

Jenny Page, City Secretary